

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF APRIL, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Kevin Byrd	-Comprehensive Planner
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT: James D. Politis -Vice Chair

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Blacksburg Technology Manufacturing Building

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community

1. Project # 2007-025

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Community College Board
2. Community Services Board
3. Disability Services Board
4. Library Board
5. Parks & Recreation Commission
6. Planning Commission
7. Western Virginia Emergency Medical Services Council
8. Personnel

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

NAY

None

ABSENT

James D. Politis

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

INVOCATION

A Moment of Silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

Joint Public Hearing –Six Year Plan on the Secondary System of State Highways

The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2009/10 through 2014/15 in Montgomery County, and on the Secondary System Construction Budget for Fiscal Year 2009/10. All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

David Clarke, VDOT Residency Administrator, provided an overview of Montgomery County’s Six-Year Plan for Secondary Roads and explained the highway funding process. The County should expect a total of \$600,000 per year for the next five years, which is a significant decrease in previous years’ funding. The majority of the funding will be from federal funds. Mr. Clarke provided a chart on VDOT’s recommended draft plan for Montgomery County as shown below:

VDOT's Recommended Draft Plan

3/31/2009

MONTGOMERY COUNTY
DRAFT Secondary Six Year Plan
(2009/10 through 2014/15)

<u>Priority</u>	<u>Route #</u>	<u>Road Name</u>	<u>From: To:</u>	<u>Description</u>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.78 mi. W. Rte. 637 to 0.03 mi. W. Rte. 637	Reconstruct
2	639	Mt. Pleasant Road	From 0.05 mi. W. Rte. 722 to 1.24 mi. E. Rte. 722	Reconstruct
3	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct
4	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct
5	VAR	VAR	Plant Mix Federal Aid Routes	Plant Mix
6	VAR	VAR	Unobligated Federal Funds	Reconstruct
7	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct

Mr. Clarke reported that VDOT should begin the Mt. Pleasant Road (SR 639) and the Piney Woods Road (SR 600) projects within the next several months. Federal funding will be used to reconstruct Piney Woods Road (SR 600).

Mr. Clarke stated that due to limited funding, VDOT is recommending that Yellow Sulphur Road (SR 643) and Craig Creek Road (SR 621) be eliminated from the list.

Chair Perkins asked if Yellow Sulphur Road and Craig Creek Road were eligible for federal funding? Mr. Clarke replied they are not eligible to receive federal funding.

Chair Perkins asked what would happen if the Board of Supervisors left these two roads on their Priority list? Mr. Clarke stated that VDOT was instructed to eliminate all projects from the list that did not have any funding allocated to them. There is no funding in the FY 2009-2015 Secondary Six Year Improvement Plan for these two roads. If the Board of Supervisors decides to leave these two roads on their list then he would submit the resolution as instructed; however, the Commonwealth Transportation Board will remove them.

The Board of Supervisors stated they would like for Yellow Sulphur Road and Craig Creek Road to remain on the Secondary Six-Year Plan even if they are removed from the State's list. Mr. Clarke believes that any roads left on a plan without funding creates a misrepresentation to the citizens that their road will get reconstructed within the six year plan.

Supervisor Creed asked if VDOT foresees any stimulus money being received for secondary roads in Virginia. Mr. Clarke replied he does not.

Chair Perkins at this time opened the public hearing for citizen comments.

Debbie Cox addressed the Board about Piney Woods Road (SR 600), which is listed as Priority # 4 on VDOT's recommended list for reconstruction. Ms. Cox asked if all residents on Piney Woods Road do not give the needed right-of-way will this road be eliminated from the list. She stated this road is in dire need of improvements.

Mr. Clarke responded that normally all right-of-way is required by landowners; however, for Piney Woods Road VDOT will be using the acquired right-of-way and the project will still move forward.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Michael Colliver spoke in opposition to removing Big Vein Road from the County's Rural Addition Priority List. Mr. Colliver stated Big Vein Road is just shared dirt driveway with a total of 47 residents, 13 of them being children. The road has no regular maintenance or improvements and need improving. It is his understanding that there are two right-of-way obstacles keeping Big Vein Road from being paved and asked the County to keep discussions open with the landowner not willing to provide the required right-of-way. Mr. Colliver

commented that he spoke with this particular landowner and if the drainage problem is solved they may be open to discussion. He stressed the need for something to be done on Big Vein Road and requested that the Board leave Big Vein Road on the County's priority list until a meeting can be held with the particular landowner and a solution worked out.

The following letter and e-mail were received and entered into the record:

E-Mail from Robert Goldstein

“April 8, 2009

Dear Montgomery County Board of Supervisors,

As you know, the Line of Sight and the Rural Addition of Big Vein Road has progressed toward completion more now than in times past. It is my understanding from speaking with Kevin Byrd and Chris Pace that these are now separate projects. It is also my understanding that the Line of Sight has only one hold up and that is that VDOT needs temporary access for about one month to the corner property to grade and move obstacles that currently pose a threat to everyone traveling on McCoy Road or accessing McCoy Road from Big Vein Road. I was informed that there is some hesitation on the part of the landowner due to concerns about their front yard. Kevin stated that the County is willing to replace the stairs and provide a safety rail and vegetative barrier at no cost to this property owner. With all due respect to the landowner and Montgomery County Board of Supervisors, the danger that the current line of sight provides is a known major risk factor that needs correction before more serious consequences from a collision occur. I am suggesting that we as a community continue to seek a solution to this dilemma. This is also a School Bus Stop!

One solution that I do not see mentioned is the possibility of moving the mailbox and the paper box to be on Big Vein Road rather than McCoy Road. This would eliminate one of the needs to access McCoy Road.

Also, please note that the current line of sight would not even be acceptable if the speed limit would be twenty-five (25) miles per hour. Something must be done to eliminate the high risk road problem!

As for Rural Addition, we as a community cannot ignore the dramatic increase in traffic, (much of that initiated by the County granting building permits), that daily poses safety threats and traffic jams. The hurried attitude to place these issues on the agenda for a vote at a Board of Supervisors' meeting appears inappropriate, taking into account all the efforts and accomplishments to date. In addition, the unrealistic and exaggerated financial barriers presented at the Rescue Squad Building have not been addressed in a Road Meeting with the community. I was informed that the extraordinary expense that Verizon presented is now \$0.00 (zero) and the other costs to landowners is considerably less.

In conclusion, we as residents of Montgomery County, feel it is incumbent upon Montgomery County to correct these safety hazards. Public Safety must take precedent above cosmetics.

Also, a meeting with the stakeholders should be scheduled prior to any discussion of this matter at a Supervisors' meeting.

Awaiting your response.

Respectfully,
Robert I. Goldstein
1976 Big Vein Road"

Letter from Kelly M. Passek

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Monday, 13 April 2009

Members of the Board of Supervisors,

Good Morning. I am a homeowner residing at 1989 Big Vein Road in District E. I am writing to request that you vote against the recommendation of Mr. Clay Goodman and Mr. Kevin Byrd to remove Big Vein Road from the Rural Addition Priority List. In removing Big Vein Road from this list, it is also being removed from consideration for improvement to the line of sight onto McCoy Road, with which it intersects.

Safety improvement to the line of sight at the intersection of Big Vein and McCoy Roads is a project that must not be abandoned. The current line of sight distance when making a left-hand turn off of Big Vein Road (a one-lane gravel road) onto McCoy (45 mph posted speed limit) is 220 feet. The line of sight recommended by VDOT for this intersection is 500 feet. Mr. Byrd himself admitted that for this short of a line of sight, a speed limit for McCoy Road low enough to ensure safe turns doesn't even exist. I believe that the intersection of Big Vein and McCoy Roads qualifies as a dangerous intersection and immediate action to improve the line of sight needs to be taken.

In addition to the more than 30 drivers currently living on Big Vein Road, there are 14 children, who do not yet drive. Four of those children are mine. The number of unskilled drivers turning off of Big Vein Road is going to continue to increase over the coming years. I believe that it is only a matter of time before we are unfortunate witnesses to a tragedy at that intersection. Removing Big Vein Road from the Rural Addition Priority List sends a message to District E residents that our safety is not a concern that is worthy of your time.

I have no confidence that Mr. Goodman or Mr. Byrd are acting in the best interests of the residents of Big Vein Road in recommending that it be removed from the Rural Addition Priority List. We have yet to be given consistent answers to our Road concerns. In many cases, it is the residents who are researching and finding answers to our own questions and relaying this information to Mr. Byrd. To give you a few examples:

1. At one road meeting we were told that the residents own the road. My neighbor looked at the County records and found that years ago, Big Vein Road was given to the county. At our last meeting, Mr. Goodman said that he actually didn't know who owned the road, but that he would find out if the country had taken possession of the road and let us know. We've heard nothing from him regarding this matter.
2. Residents were told that it would cost \$20K to move utilities to establish a right-of-way and that the residents would need to split the cost. Understandably, this tremendous cost turned many residents off to the project. So, again, the residents researched this matter only to find that it is unclear whether the county can even assess that cost to the residents. After my neighbor discussed the matter with Verizon (from where the majority of the cost was coming), it was determined that

Verizon did not follow proper procedure during initial installation of the phone line for our road and so the cost of moving that utility would go from \$17K to \$0! Mr. Byrd has yet to relay this information regarding cancellation of prohibitive costs to the residents.

3. Spokesmen for VDOT initially told residents that any road improvements had to occur using the center of the existing road as the center of the new road. VDOT would not move a new road a few feet in either direction to move it further from structures because they "do not do curves." At a following meeting, VDOT seemed perplexed that they had previously made such statement and said that they "do curves all of the time".
4. We do not even have consistent information as to how much of a right-of-way would be needed. At one meeting, VDOT requested 40 ft. After researching, residents discovered that only 30 ft. was necessary. Which is it? We have never been told.

At this stage of the project, it is premature and I believe, negligent, to stop working toward line of sight improvements. How are the residents of Big Vein Road expected to work together and commit to providing land and money when no consistent or reliable information has been provided to us?

I would like to request that prior to voting on whether to remove Big Vein Road from the Rural Addition Priority List you visit our road and experience the skill that is required to make a left-hand turn off of Big Vein Road onto McCoy Road. After visiting our road, I am confident that you will not only vote to keep Big Vein Road on the Rural Addition Priority List, but that you will direct Mr. Byrd to take immediate and serious action to provide definite answers to residents' questions so that we may be assured of VDOT's honest intentions and can then make our commitment to the project based on fact and proper interpretation of the Law.

Thank you for acting in the best interests of your constituents and our children.
Sincerely,

Kelly M. Passek

1989 Big Vein Road

There being no further speakers, the public address session was closed.

DELEGATION

Virginia Department of Transportation

David Clarke, Residency Administrator, updated the Board on road issues in Montgomery County and State budget cuts. Mr. Clarke reported all public comments have been received on the state budget and no reports have been received on what services may be restored or amended. On July 1, 2009 there will be a reduction in VDOT services and one can expect a lower level of maintenance service.

Supervisor Creed asked Mr. Clarke for information on Revenue Sharing Program for the upcoming fiscal year, FY 09-10. Mr. Clarke replied he has not been notified if funds will be available for the Revenue Sharing Program.

Mr. Clarke provided an update on the following Revenue Sharing projects:

- Crab Creek Road (SR 660) stabilize and pave existing roadway is completed.
- Woodrow Road (SR 644), improve drainage and surface treat, scheduled to begin this month.
- Craig Creek Road (SR 621), spot widening, scheduled to begin this summer.

The Interim County Administrator requested that Mr. Clarke provide the Board with information on Big Vein Road and what is needed to move forward with this project.

Mr. Clarke replied that a 40' right-of-way is needed along Big Vein Road in order to upgrade and pave this road. Also, a line of site is needed at the intersection of Big Vein Road and McCoy Road, if Big Vein Road is paved in order to meet VDOT's requirements for ingress on secondary roads. An easement is needed in order for VDOT to enter the property at the corner of Big Vein Road and McCoy Road to remove trees and grade the slope. If the line of site is not improved then Big Vein Road cannot be taken into the state's secondary system.

Supervisor Brown asked if this was two separate projects? David Clarke responded that this is two separate issues, 1) Line of Site and 2) Big Vein Road Upgrade. Mr. Clarke explained that upgrade to Big Vein Road cannot occur unless the line of site is improved at this intersection.

Supervisor Brown asked Michael Colliver to speak again regarding the issues of the property owner in question.

Mr. Colliver commented that the property owner at the corner of Big Vein Road and McCoy Road expressed three concerns: 1) Drainage issues along Big Vein Road onto her property; 2) concern with losing all of her front yard; and 3) concern with vehicles running onto her property and lack of guardrails. He also pointed out that right-of-way was deeded to the County but the County did not accept it.

Supervisor Brown explained that County and VDOT officials have met several times with the property owner to discuss concerns and it was his understanding that every demand was met to address these concerns. Supervisor Brown wondered if another public meeting is needed to update the residents of Big Vein Road on the status of the project. There have been several changes since the last meeting such as Verizon agreeing to move the utility pole at no cost (savings of \$22,000).

The Interim County Administrator commented that the Planning Staff will provide further information during the New Business section of the agenda.

CONSENT AGENDA

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Consent Agenda dated April 13, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
John A. Muffo		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

Approval of Minutes

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the minutes dated January 26, 2009, February 9, and February 10, 2009 were approved.

**A-FY-09-82
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$12,175
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$12,175

Said resolution appropriates Technology Trust fund monies to cover the cost of software maintenance for the land record system in the Clerk of Circuit Court Office.

**A-FY-09-83
FIRE AND RESCUE
CAPITAL PROJECTS**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects fund transfer of appropriation is hereby authorized, as follows:

FROM:

3300 Undesignated Fire and Rescue Projects	(\$557,143)
3302 Shawsville Rescue Squad	<u>(\$9,531)</u>
Total	(\$566,674)

TO:

3301 Elliston Fire Department	\$742
3301 Christiansburg Fire Department	\$285,098
3301 Blacksburg Fire Department	\$165,834
3302 Christiansburg Rescue Squad	<u>\$115,000</u>
Total	\$566,674

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects and remaining funds from the Shawsville Rescue Squad ambulance for use as specified by the Fire and Rescue Commission.

**A-FY-09-84
FOUR FOR LIFE ALLOCATION**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

331 Fire and Rescue Grants-Four for Life	\$67,461
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
23312-424401 Four for Life	\$67,461

Said resolution appropriates funds received from the Four for Life program for use by volunteer Rescue Squads.

**A-FY-09-85
HUMAN RESOURCES
WELLNESS PROGRAM**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

110	Human Resources – Wellness	\$10,195
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$10,195

Said resolution appropriates monies received in FY 08 as incentives from the County's health insurance carrier to offset a portion of the costs of the County's Wellness program.

**A-FY-09-86
PUBLIC SERVICE AUTHORITY
BOUNDARY ADJUSTMENT FEES
MAPLE RIDGE SUBDIVISION**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890	Transfer to the PSA	\$24,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

413306 Boundary Adjustment Fee \$24,000

Said resolution appropriates boundary adjustment fees to the PSA from the Maple Ridge Subdivision.

**A-FY-09-87
SHERIFF
TRANSFER FROM GENERAL CONTINGENCIES
TO COVER THE COST OF BURIAL EXPENSES FOR
AN INDIGENT DECEASED CITIZEN**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$2,568)

TO:

320 Sheriff - County \$2,568

Said resolution transfers appropriated funds from General Contingencies to the Sheriff's Department to cover burial expenses for an indigent deceased citizen.

**A-FY-09-88
TREASURER
DMV STOP FEES**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

162 Treasurer's Collections \$11,209

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

411605 DMV Stop Fee \$11,209

Said resolution appropriates monies received from taxpayers for DMV service charges for stops on license issuance.

A-FY-09-89
TRANSIENT OCCUPANCY TAX
MONTGOMERY COUNTY
CHAMBER OF COMMERCE

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

910	Montgomery County Chamber of Commerce	\$4,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02-412902	Transient Occupancy Tax	\$4,000

Said resolution appropriates funds received from the increased 1% of transient occupancy tax. These funds will be remitted to the Montgomery County Chamber of Commerce for tourism.

A-FY-09-90
INTEREST PROCEEDS ON THE 2003A BONDS
APPROPRIATION TO COUNTY CAPITAL PROJECTS

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the CountyCapital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

6622	BHS Athletic Stadium	\$3,085
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
415102	Interest Income	\$3,085

Said resolution appropriates the remaining interest earned on athletic field bond proceeds (2003A Bonds) to the BHS Athletic Stadium which allows the related bank account to be closed out.

R-FY-09-136

RESOLUTION REQUESTING THE PLANNING COMMISSION TO STUDY THE FIVE (5) ACRE MINIMUM ACREAGE REQUIREMENT TO ALLOW AN ACCESSORY DWELLING IN THE A-1 AGRICULTURAL DISTRICT AND ADVISE IF ANY AMENDMENTS TO THE ZONING ORDINANCE IS WARRANTED

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, Section 10-41 of the Montgomery County Zoning Ordinance prohibits accessory dwellings on parcels of less than five (5) acres in the A-1 Agricultural District; and

WHEREAS, The Board of Supervisors has received a written request from Legacy Builders, NRV, Inc. that the Board consider amending Section 10-41 to allow accessory dwellings in the A-1 Agricultural District on a smaller parcel of one (1) or two (2) acres so that their client can construct an accessory dwelling on their property; and

WHEREAS, This is not an isolated incident, for the County Planning Department has had several prior incidents where other property owners were not able to construct accessory dwelling(s) in the A-1 Agricultural District because their parcel contained less than five (5) acres; and

WHEREAS, The Board of Supervisors desires for the Planning Commission and Planning staff to look at the current zoning limitation on constructing accessory dwellings in the A-1 Agricultural District and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for accessory dwellings in the A-1 Agricultural District is warranted.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby requests the Montgomery County Planning Commission to look at the current zoning limitations on constructing accessory dwellings in the A-1 Agricultural District and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for accessory dwellings in the A-1 Agricultural District are warranted.

R-FY-09-137
RESOLUTION OF SUPPORT
MONTGOMERY COUNTY SHERIFF'S OFFICE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County Sheriff's Office has requested the Board's support for an Edward Byrne Memorial Justice Assistance Grant (JAG) as part of the 2009 Recovery Act for the purchase of two police cruisers, one Night Vision Delta Kit, seven helmet mounts for the Night Vision Monocular, and fifteen Pelican-Mini 2130 Infra-Red Strobes totaling \$39,065; and

WHEREAS, The Sheriff has requested a resolution of support showing that the County approves the submittal of the grant application by the Montgomery County Sheriff's Office; and

WHEREAS, There is no local cash or in-kind match for this grant; and

WHEREAS, The goal of the Montgomery County Sheriff's Office is to utilize grant funding to purchase law enforcement related equipment to enhance the services the Sheriff's Office provides to the citizens of Montgomery County in the most efficient and cost effective way possible.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports the Montgomery County Sheriff's Office grant application for the Edward Byrne Memorial Justice Assistance Grant for the purchase of two police cruisers, one Night Vision Delta Kit, seven helmet mount Night Vision Monoculars, and fifteen Pelican-Mini 2130 Infra-Red Strobes totaling \$39,065, with no local cash or in-kind match.

R-FY-09-138
LIVESTOCK CLAIM
BRUCE NESTER

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Bruce Nester is hereby compensated \$740.00 for the loss of three (3) sheep and four (4) lambs.

R-FY-09-139
NEW RIVER COMMUNITY ACTION, INC.
APPOINTMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mary Critzer** to the **New River Community Action Board** effective April 14, 2009 and expiring June 30, 2010.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said appointment fills the unexpired term of Lori Walden, resigned.

OLD BUSINESS

R-FY-09-140
SPECIAL USE PERMIT
VIRGINIA TECH FOUNDATION (AGENT: NTELOS)
FOR THE PURPOSE OF ALLOWING A
125 FOOT TELECOMMUNICATIONS TOWER
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID # 021713, TAX MAP NUMBER 65-A-5

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Virginia Tech Foundation, Inc. (Agent: NTELOS)** request for a Special Use Permit (SUP) on approximately 54.54 acres in an Agriculture (A1) zoning district to allow a 125' telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This Special Use Permit (SUP) authorizes construction of a telecommunications tower in an Agricultural (A-1) zoning district on a portion of Parcel ID 021713 not to exceed an overall height of 125 feet inclusive of the proposed lightning rod with a ground elevation of 2,364 ft. Tower shall have no lighting unless required by the FAA. Tower shall have a base diameter not to exceed 30 inches and a top diameter of 22 inches.

2. Site development shall be in substantial conformance with the plans entitled, "NTelos Proposed 120' Monopole Tower", prepared by Terradon, dated January 6, 2009 and received by Montgomery County on January 29, 2009.
3. The existing access road off Rt. 619 (Stroubles Creek Road) shall be used to access the proposed facility.
4. Tower shall be of a "monopole stealth design" and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Umbra) matte finish. All wiring and cables shall be located inside the pole structure.
5. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
6. No platforms or dishes shall be permitted on the structure above the tree line.
7. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
8. Backup generator, if applicable, shall be fueled only by propane.
9. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate. The second highest space on the pole shall be made available to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.

The property is located at 2797 Stroubles Creek Road and is identified as Tax Parcel No(s) 65-A-5 (Acct No. 021713), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
John A. Muffo		
Gary D. Creed		
Mary W. Biggs		
William H. Brown		
Annette S. Perkins		

R-FY-09-141
SPECIAL USE PERMIT
WALTER T. & SHERRY K. SAVILLE (AGENT: NTELOS)
FOR THE PURPOSE OF ALLOWING
A 152 FOOT TELECOMMUNICATIONS TOWER
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID # 016650, TAX MAP NUMBER 38-A-153

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Walter T. & Sherry K. Saville (Agent: NTELOS)** request for a Special Use Permit (SUP) on approximately 7.74 acres in an Agriculture (A1) zoning district to allow a 152' telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This Special Use Permit (SUP) authorizes construction of a telecommunications tower in an Agricultural (A-1) zoning district on a portion of Parcel ID 016650. Tower shall not exceed a total overall height of 152 feet inclusive of the proposed lightning rod with a ground elevation of 1,930 ft. Tower shall have no lighting unless required by the FAA. Tower shall have a base diameter not to exceed forty (40) inches and a top diameter of twenty-two (22) inches.
2. Site development shall be in substantial conformance with the plans entitled, "NTelos Site # RN515, Site Name: Brookfield" prepared by Balzer and Associates, Inc., dated November 12, 2008 and received by Montgomery County on January 29, 2009.
3. NTelos shall access the site using an existing driveway off Rt. 725 (Poverty Creek Road) to the existing home on the Saville Property.
4. NTelos shall construct a twenty (20') ft. wide access/utility easement from the existing home to the telecommunications tower site.

5. Tower shall be of a “monopole stealth design” and all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Umbra). All wiring and cables shall be located inside the pole structure.
6. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
7. No platforms or dishes shall be permitted on the structure above the tree line.
8. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
9. Backup generator, if applicable, shall be fueled only by propane.
10. Owner/agent shall provide police, fire and rescue services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate. The second highest space on the pole shall be made available to the County. In the event that Montgomery County has not used this space and another cellular carrier wishes to co-locate on the same tower, the tower owner shall give the Montgomery County Administrator fourteen (14) days notice by Certified Mail of their intent to occupy this location.

The property is located at 2416 Poverty Creek Road and is identified as Tax Parcel No(s) 38-A-153 (Acct No. 016650), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
William H. Brown		
Annette S. Perkins		

NEW BUSINESS

**R-FY-09-142
RESOLUTION WITHDRAWING PROPERTY IDENTIFIED AS
TAX MAP NUMBERS 39-A-6 AND 39-A-6J TOTALING 47.5 ACRES
OWNED BY JAMES O. HOGE, JR. ESTATE
FROM AGRICULTURAL AND FORESTAL DISTRICT 1**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Property identified as Tax Map Numbers 39-A-6 and 39-A-6J (together referred to as the "Hoge Property") totaling 47.5 acres is in Agricultural and Forestal District (AFD) 1; and

WHEREAS, Carol Hoge an heir to the James O. Hoge Estate, the owner of record of the Hoge Property has sent a letter to the County requesting that the Hoge Property be allowed to withdraw from AFD 1 pursuant to Section 2-151 of the Code of Montgomery, Virginia; and

WHEREAS, Section 2-151 of the Code of the County of Montgomery entitles any heir upon the death of the property owner to withdraw such land from the AFD provided the written notice of withdrawal is made within two years of the date of the death of the owner; and

WHEREAS, Based on the records of the Commonwealth of Virginia the owner of the Hoge Property, James O Hoge, Jr., passed away in November 2007 making the request for withdrawal in accordance with the requirements of the Montgomery County Code.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby acknowledges the withdrawal of the Hoge Property identified as Tax Map Number 39-A-6 and 39-A-6J from AFD 1 as entitled by Section 2-151 of the Code of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
William H. Brown		
John A. Muffo		
Annette S. Perkins		

Big Vein Road – Discussion

Supervisor Creed made a motion, seconded by William H. Brown to open this item for discussion.

Kevin Byrd, Comprehensive Planner, provided the following memorandum to the Board outlining the history of Big Vein Road:

Big Vein Road has been identified on the Rural Addition Project List at least since 1998. The road was listed as priority #1 on the Board of Supervisors FY 2005-06 Revenue Sharing project list.

Planning Department staff commenced work on this project in 2006. In November 2006 staff met with VDOT on the site and identified project concerns. In January 2007 County staff and VDOT staff held a community meeting to discuss right-of-way requirements, sight distance requirements, survey needs, utilities in the right-of-way and VDOT construction standards.

Big Vein Road improvements can be considered two separate projects; 1) line of sight improvements at McCoy Road intersection looking east impacting #1862 Big Vein Road (Pendergrass) and 2) constructing Big Vein Road to VDOT standards. Project #1 could occur without project #2. Project #2 could not occur without project #1.

Project # 1 (Line of Sight) issues identified:

- Corner property owner unwilling to participate (Pendergrass).
- Front yard needs to be decreased in elevation to increase sight distance (see photo).
- Line of sight required is 500' (see attached aerial map).
- Concrete steps, large trees, telephone service and power pole must be removed/relocated.
- Stair replacement, guardrail installation and vegetative buffer to lessen impact would not appease landowner.

Project #2 (Big Vein Road Construction) issues identified:

- Neither corner property owners are willing to provide necessary right-of-way (Carner and Pendergrass).
- Pendergrass septic is potentially located in necessary right-of-way.
- Septic inspection, at County expense, to determine location was not permitted by Pendergrass.
- Utility relocation costs were provided by utility companies (Verizon telephone, AEP power, Comcast cable). Initial cost was \$39,810. Verizon agreed to move telephone at their cost due to deed issues, a savings of \$22,176. Utility cost could be as low as \$5,000 without taking into account septic relocation and project intangibles.

Planning Staff and VDOT have exhausted all possible options to gain the support of impacted property owners. The efforts include meeting on site numerous occasions, holding community meetings and meeting property owners at their place of employment to further review the project and its impacts.

Supervisor Biggs asked the County Attorney to clarify comments made by Mr. Colliver earlier tonight about the County not accepting the deed of right-of-way from the residents of Big Vein Road.

The County Attorney stated that in researching the deeds along Big Vein Road that the subdivision plat was recorded in 1946 with 30 ft. right-of-way the entire length of Big Vein Road. This road is a private road and there is no record where the County agreed to take over the right-of-way. Also, VDOT has stated that there are two areas along Big Vein Road that they will accept 30 ft; however, they will need 40 ft. for the remaining sections.

R-FY-09-143
TABLE
RURAL ADDITIONS-REMOVE BIG VEIN ROAD
FROM RURAL ADDITION PRIORITY LIST

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby **TABLES** the request to remove Big Vein Road, a private road, from its Rural Addition Priority List until April 27, 2009 in order for staff to investigate the possibility of obtaining right-of-way needed to bring Big Vein Road up to Virginia Department of Highways standards and to obtain the right-of-way needed to improve the line of sight for safety improvements at the McCoy Road (SR 652) intersection.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
John A. Muffo		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

R-FY-09-144

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE MONTGOMERY COUNTY GENERAL OBLIGATION SCHOOL BONDS, 1993 SERIES A, 1993 SERIES C AND REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Virginia Public School Authority (the “Authority”) pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the “1987 Resolution”) and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1987 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia; and

WHEREAS, The Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds (“Prior Local School Bonds”) of the County of Montgomery, Virginia (the “County”); and

WHEREAS, The Authority has issued under the 1987 Resolution several series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1993 Series A” (the “Series 1993 A Bonds”), “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Series C” (the “Series 1993 C Bonds”); and

WHEREAS, The Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Montgomery General Obligation School Bond, Refunding Series 1994 A (the “1994 A Local School Bond”); and

WHEREAS, The Authority used a portion of the proceeds of the Series 1993 A Bonds and Series 1993 C Bonds to purchase certain duly authorized and issued general obligation school bonds of the County designated the County of Montgomery General Obligation School Bonds, 1993 Series A and 1993 Series C (together with the 1994 A Local School Bond, the “Local School Bonds”); and

WHEREAS, The Authority refunded its Series 1993 A Bonds, Series 1993 B Bonds and Series 1993 C Bonds (“Refunded Bonds”) with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the “Refunding Bonds”) issued pursuant to the 1997 Resolution; and

WHEREAS, The Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution; and

WHEREAS, The Authority is required to assist the underwriters (the “Underwriters”) of the Refunding Bonds with their duty to comply with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”); and

WHEREAS, The Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement substantially in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate substantially in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
John A. Muffo		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

R-FY-09-145
A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO
INSTITUTE LEGAL PROCEEDINGS PURSUANT TO
SECTION 58.1-3965, ET SEQ. OF THE 1950 CODE OF VIRGINIA
IN ORDER TO SEEK COURT APPROVAL TO SELL THE TWENTY-FOUR PARCELS
IDENTIFIED AS MORE THAN TWO YEARS DELINQUENT
ON THEIR REAL ESTATE TAXES FOR THE PURPOSE
OF COLLECTING DELINQUENT REAL ESTATE TAXES

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

WHEREAS, Section 58.1-3965 of the Code of Virginia allows any County, City or Town to seek judicial approval to sell any real estate that is more than two years delinquent on their real estate taxes for the purpose of collecting all the delinquent taxes owed on the property; and

WHEREAS, The Treasurer of Montgomery County, Virginia, has identified twenty-four parcels in Montgomery County that are more than two years delinquent on their real estate taxes. The list of twenty-four parcels identifying the parcel number, tax map number, brief property description and the last known owner of the parcel entitled 2009 Judicial Sale List is hereby attached and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby authorizes the Montgomery County Attorney to institute legal proceedings pursuant to Section 58.1-3965, et Seq. of the Code of Virginia, in the Montgomery County Circuit Court in order to seek Court approval to sell the twenty-four parcels identified on the attached 2009 Judicial Sale List for the purpose of collecting delinquent real estate taxes from these twenty-four parcels.

The vote on the foregoing resolution was as follows:

<u>AYE</u> Doug Marrs John A. Muffo Gary D. Creed William H. Brown Mary W. Biggs Annette S. Perkins	<u>NAY</u> None	<u>ABSENT</u> James D. Politis
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2009 Judicial Sale List

	Parcel #	Last Known Owner	Tax Map #	Description	Taxes due
1	010477	Caldwell, Glen Dale	130-A 24B	993 Lexington Ln., .500 acres	769.69
2	028962	Carter, Gary Neil	038-A 82	3764 Old Creek Road, 2.982 acres	5,116.85
3	003359	Cherry, Harold M., LE	527-A181A	205 Hagan St., .231 acres	2,821.14
4	012353	Coleman, Jr., Virgil Thomas	110-A 18A	4343 Fishers View Rd., 53.355 acres	4,522.24

5	016608	Faul, Cynthia & Robert W.	032-A 47	Ironto, 1.300 acres	795.23
6	006905	Garlick, Gerald Lee	082-A 4	S F R, 331 Friendship Rd., 39.500 acres	1,970.08
7	006906	Garlick, Gerald Lee	082-A 5	S F R, Friendship Rd., 1.000 acres	71.15
8	006907	Garlick, Gerald Lee	082-A 6	S F R, Friendship Rd., .800 acres	56.63
9	010475	Golding, Billie A.	129-2 22	1747 Camp Carysbrook, 2.526 acres	3,399.36
10	007421	Graves, Nancy L.	042-A 73	Alleghany Mtn., 1.500 acres	777.86
11	026327	Hawley, James	090-A 65A	Crab Creek, 3333 Hawley Rd., .612 acres	524.02
12	012513	Meadows, Patricia T.	055-A 13A	969 Nellies Cave Rd., .303 acres	2,402.40
13	028265	Meese, Lori B.	467-15 16A**	240 Wakeman Court, Christiansburg	2,766.61
14	013940	Owens, Roxie A.	497-A295	Depot St. School Ln., .332 acres	917.66
15	015557	Rakes, Hobart	063-A 2128-129	E P Eskridge Lts, Lots 128-129	74.39
16	015558	Rakes, Hobart	075-A 6	Peppers Ferry Road, 30.000 acres	2,314.93
17	031749	Rollins, William J., Jr. and Mannoni A Heirs	497- A153A, 153C	2 Lots Opp Passenger Station	411.32
18	017739	Smith, Edward & Beatrice	497-A323	495 School Ln	630.17
19	017825	Smith, James W. & Wife	122-A 68	Pilot Mt., 36.000 acres	6,284.23
20	018020	Snider, Bessie L. & Claude Alfred Jr.	070-A 24	N F R Parcel 1, Seneca Hollow Rd., 4.800 acres	359.99
21	018022	Snider, Bessie L. & Claude Alfred Jr.	070-A 22	N F R Parcel 2, 2.000 acres	149.17
22	018021	Snider, Bessie Rose	070-A23	2891 Seneca Hollow, .110 acres	545.86
23	013854	Unknown	092-A 75	Lot Mud Pike, .967 acres	1,482.60
24	032610	Wojciechowski, Bernard A.	130-A 43D	1244 Poff School Rd., .603 acres	2,978.36

**Ms. Meese has been given until May 1, 2009 to bring taxes current, otherwise judicial proceedings will commence.

\$42,141.94

R-FY-09-146
RESOLUTION OF SUPPORT
2010 CENSUS

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

WHEREAS, An accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs; and

WHEREAS, More than \$300 billion per year in federal and state funding is allocated to states and communities based on census data; and

WHEREAS, Census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

WHEREAS, The 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community; and

WHEREAS, The information collected by the census is protected by law and remains confidential for 72 years.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Gary D. Creed		
William H. Brown		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

R-FY-09-147
PROCLAMATION
NATIONAL LIBRARY WEEK 2009
APRIL 12-18, 2009

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today more than ever; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS, Library use is up nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, Libraries play a vital role in supporting the quality of life in our communities; and

WHEREAS, Our public libraries in Blacksburg, Christiansburg and Shawsville can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

WHEREAS, Libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the “digital divide”; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby proclaims **National Library Week**, April 12-18, 2009 and encourages all residents to visit the Montgomery-Floyd Regional Library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
Annette S. Perkins		

**R-FY-09-148
PROCLAMATION
NATIONAL VOLUNTEER WEEK**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, Volunteers can connect with local community service opportunities through hundreds of community service organizations like, RSVP, HandsOn Network affiliates and volunteer centers; and

WHEREAS, Individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, During this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and

WHEREAS, The giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, Experience teaches us that government by itself cannot solve all of our nation's social problems; and

WHEREAS, Our country's volunteer force of over 61 million is a great treasure; and

WHEREAS, Volunteers are vital to our future as a caring and productive nation.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia here proclaims National Volunteer Week, April 19-25, 2009 in Montgomery County, and urges their fellow citizens to volunteer in their communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	James D. Politis
Mary W. Biggs		
Doug Marris		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		

RECESS

The Board took a 15 minute recess at 8:40 p.m. and reconvened at 8:55 p.m.

INTO WORK SESSION

On a motion by William H. Brown, seconded by Doug Marris and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Revenue Sharing Projects
2. Virginia Sesquicentennial of the American Civil War

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marris		
John A. Muffo		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

Revenue Sharing Projects

The Interim County Administrator reported on on-going VDOT Revenue Sharing Program projects as follows:

**Revenue Sharing Program
FY 2008-2009**

**Total Funds: \$1,005,000
\$500,000 VDoT
\$505,000 County**

ROAD	IMPROVEMENTS	TOTAL COST OF PROJECT	FUNDS PAID TO VDOT	PROJECT STATUS
Alleghany Spring Bridge (SR 637) at Willis Hollow	Replace existing bridge structure with box culvert	\$355,000	None	In PE stage
Craig Creek Road (SR 621)	Spot widening for safety improvements	\$200,000	\$25,000	Scheduled for summer
Stanley Road (SR 667)	Minor widening and surface treating existing roadway	\$275,000	None	Obtaining right-of-way
Woodrow Road (SR 644)	Surface treating existing roadway	\$25,000	\$13,000	Work started
Yellow Sulphur Road (SR 643)	Spot widening for safety improvements	\$150,000	None	Scheduled for fall
	TOTAL	\$1,005,000		

**REVENUE SHARING PROGRAM
FY 2006-2007 and FY 2007-2008**

**Total Funds: \$500,000
\$250,000 VDoT
\$250,000 County**

ROAD	IMPROVEMENTS	TOTAL COST OF PROJECT	FUNDS PAID TO VDOT	PROJECT STATUS
Blue Springs Road (SR 613)	Stabilize and pave existing roadway	\$41,622	\$22,811	Complete
Crab Creek Road (SR 660)	Stabilize and pave existing 18' roadway	\$164,324	\$82,162	Complete
Woodrow Road (SR 644)	Improve drainage	\$218,378	None	Complete
Quartz Lane (SR 768)	Minor widening and paving	\$75,676	\$37,838	Scheduled for summer
	TOTAL	\$500,000		

As the VDOT Residency Administrator reported earlier tonight, the future of the State's Revenue Sharing Program is unknown at this time.

Virginia Sesquicentennial of the American Civil War

Ruth Richey, Public Information Officer, gave a presentation on the Virginia Sesquicentennial of the American War Commission. The Virginia Sesquicentennial of the American Civil War Commission was created during the 2006 General Assembly for the purpose of planning for and commemorating the 150th anniversary of Virginia's participation in the American Civil War. The duration of this commemoration will be 2011 through 2015.

The Virginia Sesquicentennial of the American War Commission is requesting localities to form a sesquicentennial committee to work with the State Commission through 2015. The State Commission is working to position Virginia as the premier destination for the 150th anniversary of the Civil War. Virginia Tech will be the host of the April 2011 Conference that is expected to draw 2,500 attendees to Blacksburg, Va.

Approximately 100 cities and counties in Virginia have agreed to designate a liaison and form a committee to work with the State Commission to develop an interactive map on the

Commission's web site, www.VirginiaCivilWar.org. Montgomery County's liaison will ensure that current travel planning information is on the state's web site and that someone from the historical society can help interpret the County's role in the Civil War.

The committee may include representatives from the historical society, tourism industry, Chamber of Commerce, education community, Civil War museums, and governing bodies. The Board of Supervisors is being asked to approve a resolution forming a local sesquicentennial committee to plan for the commemoration. A resolution to establish a committee will be on the April 27, 2009 agenda for the Board's consideration.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
John A. Muffo		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

COUNTY ADMINISTRATOR'S REPORT

Inmate Litter Clean-Up Report – Sheriff's Department submitted the Inmate Clean –Up Project report for February 10, 2009 – March 24, 2009. A total of 8,640 pounds of trash, 80 tires and 13 tires with rims was collected on the County's secondary roads.

Regional 911 Communications Center Funding Support Letter - The Interim County Administrator provided an update on the Regional 911 Communication Center. She reported that in the Spring of 2008, law enforcement executives and government administrators from the Town of Blacksburg, Town of Christiansburg, Montgomery County, and Virginia Tech formulated a working group to explore the possibility of establishing a Regional 911 Communication Center. The workgroup submitted a grant application to the Virginia Information Technologies Agency (VOTA) to conduct a feasibility study for establishing a regional 911 center in the New River Valley. The grant was approved and a feasibility study is underway.

Currently each of the surrounding law enforcement agencies has their own dispatch center with separate equipment. The software and hardware components are not linked to one another. This has generated problems with communication, response, data sharing and safety within the region. As the agencies rely heavily on one another for assistance, particularly during times of crisis, being able to communicate with neighboring personnel is a vital component in the region's effective response to emergencies.

On March 25, 2009 a letter was sent to Congressman Rick Boucher from the Town of Blacksburg Chief of Police on behalf of the working group requesting his support and assistance in obtaining funding for a regional public safety project in the New River Valley. The funding would include the hardware and software cost on a unified radio communication system, telephone system and records management system. A cost estimate of the equipment needed is listed below:

- Computer Aided Dispatch (CAD) and Records Management System (RMS)	\$ 900,000
- Customer Premise Equipment (CPE)	\$ 360,000
- Digital Voice Recorder	\$ 60,000
- Radio Infrastructure	\$ 1,936,000
- Radio Equipment (Mobile and Portable Radios)	\$ 9,177,000
- Services	<u>\$ 2,350,000</u>
Total	\$14,783,000

This cost estimate does not include the additional cost to be considered for the construction of a new 911 Communication Center facility.

The working group asked each agency to send a letter to Congressman Boucher requesting his assistance in securing funds for this project.

By consensus of the Board, staff was instructed to send a letter to Congressman Boucher, on behalf of the Board of Supervisors, requesting his assistance in securing any funding opportunities that are available for this project.

Stimulus Work Shop – April 20, 2009 – Congressman Rick Boucher is hosting a stimulus work shop at the Wytheville Community College on April 20, 2009. Supervisors Biggs, Politis, and Perkins along with Carol Edmonds, Interim County Administrator, will be attending.

Western Virginia Regional Jail (WVRJ) – The Interim County Administrator asked Sheriff Whitt to report on the opening of the Western Virginia Regional Jail. Sheriff Whitt reported that the WVRJ opened on April 6, 2009 and that the Montgomery County Sheriff's Office transferred a total of 90 inmates to the WVRJ last week. A total of 85 inmates are remaining in the county jail. They should transfer approximately 13 more inmates this week. The medical process has created a small backlog in transporting the inmates; however, the Sheriff's Office should have the majority of the inmates transferred soon. Sheriff Whitt reported all remaining inmates now have their own bed. He thanked the Board for their support in making the regional jail a reality.

BOARD MEMBERS' REPORT

Supervisor Politis - No Report. Absent

Supervisor Muffo - Witnessed the signing of the Wilderness Designation Bill in Washington D.C. on March 30, 2009. This bill designates approximately 2 million acres of land in nine states as wilderness, which includes the west side of Brush Mountain in Montgomery County.

Supervisor Creed - No Report.

Supervisor Brown congratulated the Montgomery County Sheriff's Office for receiving an Edward Byrne Memorial Justice Assistance Grant.

Supervisor Marrs - No Report.

Supervisor Biggs commented that she hopes the interstate rest areas in Virginia will be open during the duration of the Virginia Sesquicentennial of the American War celebration. Especially when the Virginia Sesquicentennial of the American War Commission is making the effort to concentrate on tourism and inviting people across the nation to Virginia to help celebrate the 150th Anniversary of the Civil War.

Supervisor Perkins - Christiansburg Institute – Virginia Tech Partnership – Supervisor Perkins reported that the Christiansburg Institute is partnering with Virginia Tech to build and sustain a scholarly collaboration by developing instructional projects and workshops for schools, teachers, and university faculty. The Christiansburg Institute is also hoping to preserve the older buildings located at the Christiansburg Institute school site. Supervisor Perkins asked for the Board's support to serve on the Christiansburg Institute's committee to represent Montgomery County. By Board consensus Supervisor Perkins was given the Board's support to serve on the Christiansburg Institute's committee.

April 21, 2009 Closed Meeting – Personnel: Supervisor Perkins asked that a closed meeting item to discuss the County Administrator's position under Personnel be added to the April 21, 2009 agenda.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday April 21, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
John A. Muffo		
Gary D. Creed		
William H. Brown		
Mary W. Biggs		
Annette S. Perkins		

The Board adjourned at 9:25 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins L. Carol Edmonds
Chair, Board of Supervisors Interim County Administrator